

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, APRIL 13 19 82

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING April 13 A.D., 19 82,
IN Regular SESSION. PRESIDENT Samuel J. Talarico
IN THE CHAIR, AND Charles W. Westerman CLERK, AT THE DESK,
PRESENT THE FOLLOWING MEMBERS VIZ:
BRADBURY X, BURNS X, EISBART X,
GIAQUINTA X, NUCKOLS A, SCHMIDT X,
SCHOMBURG X, STIER X, TALARICO X,
ABSENT _____
COUNCILMAN _____, _____, _____,
_____, _____, _____,
THE INVOCATION WAS GIVEN BY _____

8/1

RECEIVED REPORT FROM THE CITY CONTROLLER FOR THE MONTH OF
_____, 19____. MOTION MADE AND CARRIED THAT REPORT BE MADE
A MATTER OF RECORD AND PLACED ON FILE.

THE MINUTES OF THE LAST REGULAR March 23, 19 82
_____, 19____,
SPECIAL _____, 19____,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED
AND PUBLISHED.



The City of Fort Wayne

City Plan Commission

23 March 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

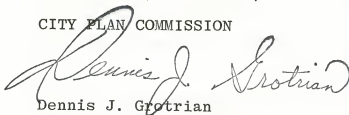
Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-82-02-04

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
23rd day of March 1982.


Dennis J. Grotrian
Secretary



The City of Fort Wayne

City Plan Commission

23 March 1982

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment.

1. Bill No. Z-82-02-04

This ordinance was requested **WITHDRAWN** by written request of the petitioner, as attached to the ordinance.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION


Gary F. Baeten
Senior Planner

GFB:pb

Attachments

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 9, 1982, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-82-02-04; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 22, 1982; and,

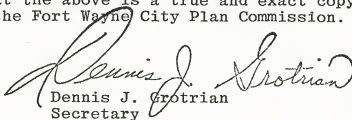
WHEREAS, a letter requesting withdrawal of the proposed ordinance has been filed with the City Plan Commission by the petitioner;

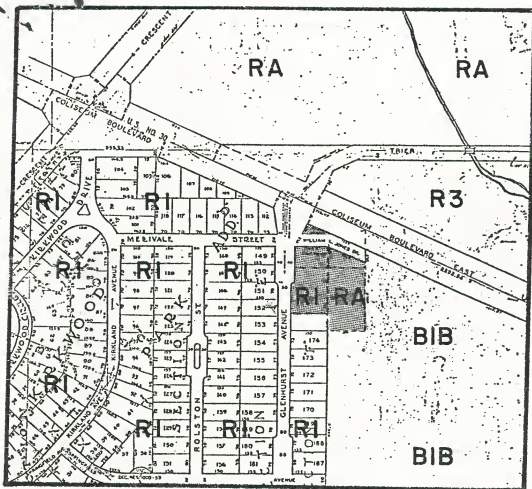
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be WITHDRAWN in accordance with the written request of the petitioner;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted by the Fort Wayne City Plan Commission.

Certified and signed this
23rd day of March 1982.


Dennis J. Grotrian
Secretary



 ZONING RECLASSIFICATION FROM AN RI, RA TO A BIB DISTRICT.

MAP NO. Q-22

Z-82-02-04

BY G.R. LAX 1-27-82





The City of Fort Wayne

City Plan Commission

23 March 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:


Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment to the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-81-11=34

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
23rd day of March 1982.


Dennis J. Grotirian
Secretary



The City of Fort Wayne

CITY PLAN COMMISSION

23 March 1982

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held March 22, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-81-11-34
2. From B-3-B to M-1
3. Intended Use: Fiberglass fabricating and manufacturing plant.
4. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reason:

- a. The Commission did not feel this was a compatible use for the area and did not conform with the approved East Central Neighborhood Plan.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten
Gary F. Baeten
Senior Planner

GFB:pb

Attachments

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 24, 1981, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-81-11-34; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 21, 1981;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend by a motion made by Darrell Blanton, seconded by Ben Eisbart that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Finding of Fact".

(1) the grant will be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

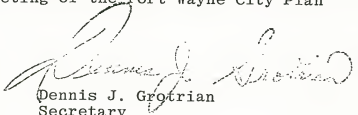
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

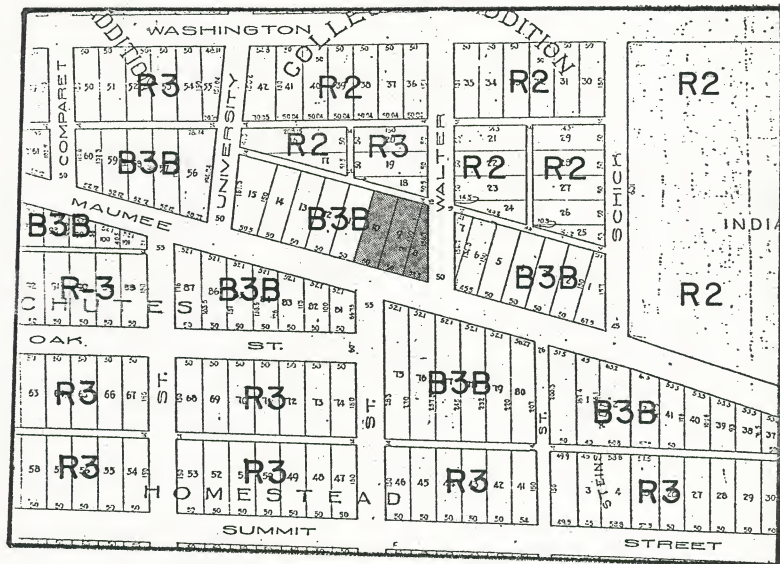
(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,


BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 22, 1982.

Certified and signed this
23rd day of March 1982.


Dennis J. Grotrian
Secretary



 ZONING RECLASSIFICATION FROM
AN B3B TO A M-I DISTRICT.

MAP NO. 0-6

Z-81-11-34

BY G.R. LAX II-5-81





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

29 March 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

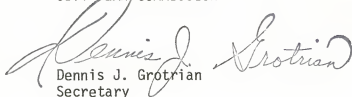
Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-82-01-17

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
29th day of March 1982.


Dennis J. Grotrian
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

29 March 1982

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held March 22, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-82-01-17
2. From R-3 to B-1-B
3. Intended Use: Beauty Salon
4. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason:

- a. The Commission felt this would have no adverse impact on the surrounding area and the rezoning was supported by the Neighborhood Association.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING


Gary F. Baeten
Senior Planner

GFB:pb

Attachments

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 26, 1982, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-82-01-17; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 8, 1982;

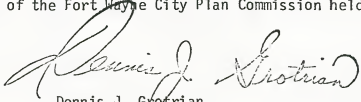
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend by a motion by Ben Eisbart, seconded by Robert Hutner that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

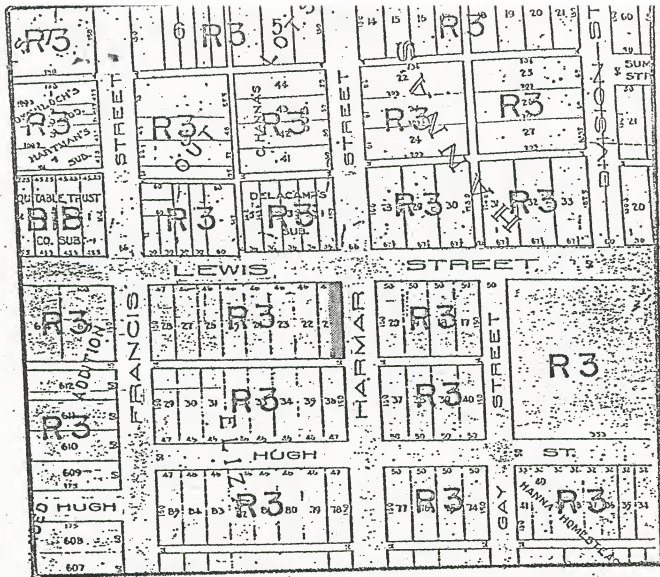
- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 22, 1982.

Certified and signed this
29th day of March 1982.


Dennis J. Grotian
Secretary



ZONING RECLASSIFICATION FROM
A R-3 TO A BIB DISTRICT

Z-82-01-17

MAP NO. N-2

BY G.R. LAX. — 12-21-81





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

31 March 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

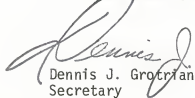
Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment to the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-81-09-07

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
31st day of March 1982.


Dennis J. Grotrian
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

31 March 1982

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held March 22, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-81-09-07
2. From B-1-B to B-3-B
3. Intended Use: Tah-Cum-Wah Recreational Center
4. Plan Commission Recommendation: DO PASS with a condition in the form of a RESTRICTIVE COVENANT

Your attention is directed to paragraph 8. which reads as follows:

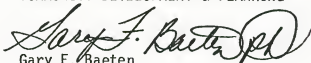
"8. This covenant may be amended by the City of Fort Wayne, through its City Council, on application for an amendment to this covenant, to the City Council, by an Owner, after a public hearing on said application, after due notice of the application as would be required of a Petition for Rezoning. Amendment of this covenant would specifically be determined by the Fort Wayne City Council, and the failure of all Owners of land situated in whole or in part within three thousand (3,000) feet of any portion of the Real Estate, including the Wildwood Park Community Association, Inc., and its successors and assigns, to specifically approve said amendment, shall not defeat the amendment."

A copy of the covenant is attached to the original ordinance and a copy is attached to this letter for your information.

If you have any questions with regard to this ordinance please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING


Gary F. Baeten
Senior Planner

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on September 8, 1981, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-81-09-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 21, 1981;

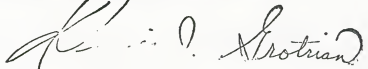
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend by motion of Joyce Schlatter, seconded by Robert Hutner that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in this rezoning request will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

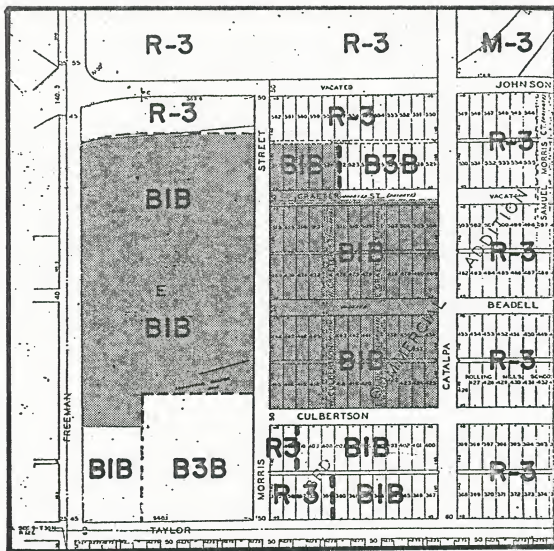
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.


This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 22, 1982.

Certified and signed this
31st day of March 1982.



Dennis J. Grotrian
Secretary



 ZONING RECLASSIFICATION FROM AN BIB TO A B3B.

Z-81-09-07 (AS AMENDED)

MAP NO. I-2

BY G. R. LAX 8-20-81.



RESTRICTIVE COVENANT

WHEREAS, Carl R. Horn ("Owner") is the Owner of the following described real estate, commonly known as Tah-Cum-Wah Recreational Center in the City of Fort Wayne, Indiana:

See Exhibit "A" Attached

herein referred to as the "Real Estate"; and

WHEREAS, Owner has petitioned the City of Fort Wayne, by and through its Plan Commission and Common Council, for an ordinance to change the zoning classification for the Real Estate from "B-1-B" to "B-3-B", as more particularly described in the Zoning Code of the City of Fort Wayne; and,

WHEREAS, the petition of the Owner for said zoning reclassification has been and is opposed by the owners of various properties contiguous to and in the vicinity of said Real Estate; and

WHEREAS, Owner desires to induce the City of Fort Wayne to grant his petition by placing certain restrictions and limitations upon the use of the Real Estate, and represents that the granting of said petition will constitute a substantial benefit to Owner, and his successors in title to said Real Estate; and,

WHEREAS, Wildwood Park Community Association, Inc., by and through Grant F. Shipley, its President, acting for and on behalf of the members of said Association, agrees and covenants to withdraw their opposition to said petition of Owner, and to forego their valuable right to petition the City of Fort Wayne to redress their grievances to said petition; and,

WHEREAS, Owner covenants and agrees, for himself, his grantees, representatives, successors and assigns, that the following Restrictive Covenant shall be, and it hereby is, imposed upon said Real Estate as a covenant running with the land burdening every part of the Real Estate and benefiting the lands hereinafter described and also benefiting the City of Fort Wayne, Indiana and its departments and agencies, especially the Fort Wayne Park and Recreation Department; and,

Page two

WHEREAS, the foregoing promises and covenants are mutual and reciprocal, and are given in consideration one for the other; and the promises and covenants of the Owner, in addition, are offered to the City of Fort Wayne subject to and to induce the enactment of said petition for rezoning;

NOW THEREFORE, Owner, as Owner of said Real Estate, in consideration of the enactment of Bill No. Z-81-09-07, making the zoning classification B-3-B, and allowing the use of the Real Estate as a proprietary recreational facility as described herein, and in consideration of the withdrawal of opposition to his petition for rezoning by Wildwood Park Community Association, Inc., hereby covenants for himself, his grantees, heirs, representatives, tenants, lessees, successors, assigns, and/or all persons claiming title or use and enjoyment of the Real Estate under or through Owner, as follows:

1. No part of the Real Estate shall be used for any use or purpose not permitted in a B-1-B zoning classification under the Fort Wayne Zoning Code, except as provided in Paragraph 2, 3 and 4.

2. Presently existing uses of the Real Estate are hereby permitted.
No uses other than allowed in Paragraphs 1, 3 or 4 may be expanded.

3. No part of the Real Estate shall be used for any purpose, activity, or use other than as a golf driving range, putting green, miniature golf course, or outdoor sports playing field or fields, including softball and baseball diamonds, except as provided in Paragraphs 1, 2 and 4. No use may involve firearms.

4. Provided, however, the Real Estate described in Exhibit "B" may also be used for indoor sports uses allowable in a B-3-B zoning district, other than as a use involving firearms, which is hereby specifically prohibited on the Real Estate described in Exhibit "B".

5. The covenants, and each of them, burden and run with the land heretofore described as the Real Estate, and are not personal only to the Owner; but said covenants shall bind all subsequent heirs, grantees, representatives, successors, and assigns, their agents and employees, and all persons claiming title, or possession, under or through Owner; and these covenants, and each of them, shall inure to the benefit of all owners of land situated in whole or in part within three thousand (3,000) feet of any portion of the Real Estate, as

Page three


dominant tenements, and also to the Wildwood Park Community Association, Inc., its successors and assigns, and to the City of Fort Wayne, in its own name and by and through and in the separate name of any and all departments, boards and/or agencies of the City of Fort Wayne, especially the Department of Parks and Recreation of the City of Fort Wayne, who are or may be authorized by statute or ordinance to enforce restrictive covenants inuring to the benefit of the City of Fort Wayne.

6. These covenants, and any of them, may be enforced by legal proceedings seeking injunctive, declaratory, and/or compensatory relief.

7. Except as may be provided in a statute of limitations, the failure of one or more persons, to enforce any of these covenants by litigation or otherwise, shall not work an estoppel or waiver against any other person or persons having rights hereunder or through any statute or ordinance.

8. This covenant may be amended by the City of Fort Wayne, through its City Council, on application for an amendment to this covenant, to the City Council, by an Owner, after a public hearing on said application, after due notice of the application as would be required of a Petition for Rezoning. Amendment of this covenant would specifically be determined by the Fort Wayne City Council, and the failure of all Owners of land situated in whole or in part within three thousand (3,000) feet of any portion of the Real Estate, including the Wildwood Park Community Association, Inc., and its successors and assigns, to specifically approve said amendment, shall not defeat the amendment.

DATED THIS _____ day of _____, 1982.


CARL R. HORN

WILDWOOD PARK COMMUNITY ASSOCIATION, INC.

BY: 
GRANT F. SHIPLEY, President

ATTEST:

VERNELL FETTIG, Secretary

Restrictive Covenant
Tah-Cum-Wah Recreational Center

Page four

CITY OF FORT WAYNE FOR AND ON BEHALF OF
ITS DEPARTMENTS AND AGENCIES, INCLUDING
THE FORT WAYNE PARK AND RECREATION DEPARTMENT.

BY: _____


STATE OF INDIANA, COUNTY OF ALLEN, SS:

Before me the undersigned, a Notary Public in and for said County and State this 24th day of March, 1982, personally appeared CARL R. HORN, and acknowledged the execution of the foregoing Restrictive Covenant.

In Witness Whereof I have hereunto subscribed my name and affixed my official seal.



John M. Whitmore, Jr., Notary Public
Resident: Allen County, Indiana




My Commission Expires:
May 17, 1983


STATE OF INDIANA, COUNTY OF ALLEN, SS:

Before me the undersigned, a Notary Public in and for said County and State this 25th day of March, 1982, personally appeared GRANT F. SHIPLEY, the President of Wildwood Park Community Association, Inc., who acknowledged execution of the foregoing Restrictive Covenant for and on behalf of said Wildwood Park Community Association, Inc., and who, having been duly sworn stated that the representations therein contained are true.

Witness my hand and Notarial Seal on the date above.



John M. Whitmore, Jr., Notary Public
Resident: Allen County, Indiana



My Commission Expires:
May 17, 1983

STATE OF INDIANA, COUNTY OF ALLEN, SS:

Before me the undersigned, a Notary Public in and for said County and State this _____ day of _____, 19____, personally appeared VERNELL FETTIG, the corporate Secretary of the Wildwood Park Community Association, Inc., attesting to the signature of Grant F. Shipley as President of Wildwood Park Community Association, Inc., and acknowledged her execution of the foregoing Restrictive Covenant for and on behalf of said Wildwood Park Community Association, Inc., and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal on the date above.

Notary Public
Resident: Allen County, Indiana

My Commission Expires:

STATE OF INDIANA, COUNTY OF ALLEN, SS:

Before me, a Notary Public, in and for said County and State, personally appeared _____, on behalf of the City of Fort Wayne, for and on behalf of its Departments and Agencies, including the Fort Wayne Park and Recreation Department, who acknowledged execution of the foregoing Restrictive Covenant for and on behalf of the City of Fort Wayne, and for and on behalf of its Departments and Agencies, including the Fort Wayne Park and Recreation Department, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this ____ day of _____,
19____.

Notary Public
Resident: Allen County, Indiana

My Commission Expires:

PREPARED BY:
John M. Whitmore, Jr. and
Grant F. Shipley

EXHIBIT A

to

Bill No. Z-81-09-07

Part of Third Commercial Addition, as recorded in Plat Book 4, page 48, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Lot #413 through Lot #425 inclusive in Third Commercial Addition, together with the vacated alley lying North of and adjacent to Lot #413 through Lot #425 in Third Commercial Addition, together with Lot #468 through Lot #456 inclusive in Third Commercial Addition, together with vacated Beadell Street lying north of and adjacent to Lot #468 through Lot #456 inclusive, together with Lot #469 through Lot #481 inclusive in Third Commercial Addition, together with 12 feet vacated alley lying North of, and adjacent to Lot #469 through Lot #481 inclusive, together with Lot #516 through Lot #504 inclusive in Third Commercial Addition, together with the South half of vacated Graeter Street lying North of and adjacent to Lots #516 through Lot #504, together with Lot #517 through Lot #521 inclusive and the West 20 feet of Lot #522 in Third Commercial Addition, together with the North half of vacated Graeter Street lying South of and adjacent to Lot #517 through Lot #521 and the West 20 feet of Lot #522 in Third Commercial Addition, together with part of Lot "E" in Third Commercial Addition more particularly described as follows:

Beginning at a point on the South line of Lot "E" in Third Commercial Addition, said point being the intersection of the North right-of-way line of Taylor Street and the East right-of-way line of Freeman Street; thence East along the South line of Lot "E" a distance of 545 feet to a point on the West right-of-way line of Morris Street; thence North along the West right-of-way line of Morris Street a distance of 1218 feet; thence West and parallel to the South line of Lot "E" a distance of 369.6 feet; thence West on a curve to the left having a radius of 666.2 feet a distance of 177.67 feet to a point on the East right-of-way line of Freeman Street; thence South along the East right-of-way line of Freeman Street a distance of 1194.45 feet to the point of beginning, excepting therefrom a part of Lot "E" in Third Commercial Addition described as follows:

Beginning at a point on the South line of Lot "E" in Third Commercial Addition where said line intersects the West line of Morris Street; thence North along the West line of Morris Street a distance of 400 feet; thence West parallel to the North line of Taylor Street, a distance of 345 feet; thence South parallel to the West line of Morris Street 118 feet; thence West and parallel to the North right-of-way line of Taylor Street to the East right-of-way line of Freeman Street as established by Street Widening as recorded in Plat Book 16, page 5 in the Allen County Recorder's Office; thence South along said East right-of-way line a distance of 292 feet to the North right-of-way line of Taylor Street; thence East along said right-of-way line a distance of 545 feet to the point of beginning.

EXHIBIT B

DESCRIPTION OF AREA WHERE
INDOOR SPORTS WOULD BE ALLOWABLE

Part of the Third Commercial Addition, as recorded in Plat Book 4, page 48, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Lots 413 through 425, inclusive in Third Commercial Addition, together with the vacated alley lying north of and adjacent to Lots 413 through 425 in Third Commercial Addition, together with Lots 468 through 456 inclusive, in Third Commercial Addition, together with the South 28 feet of vacated of Beadell Street lying north of and adjacent to Lot 468 through 456 Together with vacated Morris Street lying west and adjacent to Lot 413 in Third Commercial Addition, the west end of the 12 foot vacated alley, Lot 468 in Third Commercial Addition, and the west line of the south 28 feet of vacated Beadell Street.

Additionally, beginning at a point on the west right-of-way line of Morris Street 400 feet north of the southeast corner of Lot E in Third Commercial Addition to the City of Fort Wayne, Indiana, said southeast corner of Lot E being the intersection of the north right-of-way line of Taylor Street and the west right-of-way line of Morris Street; thence north from the point of beginning, along the said west right-of-way line of Morris Street a distance of 262 feet; thence west and parallel to the north right-of-way line of Taylor Street a distance of 345 feet; thence south and parallel to the west right-of-way line of Morris Street a distance of 262 feet; thence east and parallel to the north right-of-way line of Taylor Street a distance of 345 feet to the point of beginning.

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board
of Public Safety Regulatory Resolution Number: 16/82/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolution a matter of record and
incorporate it into the minutes of the next Common Council
Meeting.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Nick Palermo". The signature is fluid and cursive, with the first name "Nick" and last name "Palermo" clearly distinguishable.

Nick Palermo, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 16/82/ E)

I hereby certify that I did this 23 rd day of
March, 19 82 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 16/82/ E of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.



CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 16/82/E

(Adopted March 22, 19 82)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 5/82/E STOP INTERSECTION
(EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 22, 19 82, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

March 22, 19 82, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Oswego Ave. -- stop -- for Vance Ave.

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolutions Numbers: 17/82/E
18/82/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolution a matter of record and
incorporate them into the minutes of the next Common Council
Meeting.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nick Palermo".

Nick Palermo, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 17/82/E
18/82/E)

I hereby certify that I did this 29th day of
March, 1982 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 17/82/E of the Board of Public
Safety of the City of Fort Wayne, ^{18/82/E} duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.


CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 17/82/E

(Adopted March 29, 19 82)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 7/82/E: STOP INTERSECTION
(EMERGENCY)

_____ : AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 26, 19 82, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

March 29, 19 82, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Fox Ave. -- stop -- for Home Ave.

REGULATORY RESOLUTION NO. 18/82/E

(Adopted March 29, 1982)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with

regard to RENEW & EXTEND REG. RES. 9/82/E: NO PARKING

(EMERGENCY) AND DELETE: NO PARKING 3 P.M. - 6 P.M.

(EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum

dated March 26, 19 82, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

March 29, 19 82, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (EMERGENCY)

Broadway -- west side -- from 140' south of Huestis Ave. to 260' south thereof

DELETE:

NO PARKING 3 P.M. - 6 P.M. (EMERGENCY)

Broadway -- west side -- from 140' south of Huestis Ave. to 260' south thereof

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 13th day of April, 19 82 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19 ____.

Charles W. Westerman
City Clerk